

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DANIELLE NICOLE NIXON,

PLAINTIFF,

v.

**HOUSTON INDEPENDENT
SCHOOL DISTRICT,**

DEFENDANT.

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CIVIL ACTION NO. 4:20-cv-01699

**ORDER ON DEFENDANT’S OBJECTIONS AND MOTION TO STRIKE
CERTAIN SUMMARY JUDGMENT EVIDENCE**

Pending before the Court is Defendant’s Objections and Motion to Strike Certain Summary Judgment Evidence (“Motion”). After considering the Motion, any responses and replies filed thereafter, the record, the circumstances of this case, and the applicable law, the Court is of the opinion that the Motion should be **GRANTED in part and Denied in part**, and is therefore, **ORDERED** as follows:

**I. PLAINTIFF’S AUDIO RECORDING AND TRANSCRIPT IS
INADMISSIBLE EVIDENCE**

Sustained

Overruled

II. EXHIBITS NOT PRODUCED DURING DISCOVERY WITHIN NIXON'S DECLARATION AND AS A PART OF NIXON'S RESPONSE ARE INADMISSIBLE EVIDENCE

1. Exhibit 4

Sustained

Overruled

2. Exhibit 5

Sustained

Overruled

3. Exhibit 6

Sustained

Overruled

4. Exhibit 9

Sustained

Overruled

5. Exhibit 10

Sustained

Overruled

6. Exhibit C

Sustained

Overruled

7. Exhibit M

Sustained

Overruled

8. Exhibit N

Sustained

Overruled

9. Exhibit L

Sustained

Overruled

III. OBJECTIONS TO NIXON'S DECLARATION BASED ON HEARSAY

1. *"Dr. Verrett had detailed to me and [sic] that he had circumvented the District's job posting and interviewing procedures in order to install a person of his desired race. Ms. Hurta verified his motives and said she had told him this would be upsetting for me."* (Nixon Dec., Ex. K, ¶ 5).

Sustained

Overruled

2. *"Ms. Graves said she was embarrassed for the conditions of the office."* (Nixon Dec., Ex. K, ¶ 12).

Sustained

Overruled

3. *"I received a call from Dr. Verrett, in which he told me to stop asking about my salary and job offer and that I was embarrassing him."* (Nixon Dec., Ex. K, ¶ 14).

Sustained

Overruled

4. *"On September 17, 2018, Vache Hall provided me the salary she had calculated for the AP position and informed that I did not have the ability to negotiate this amount any further and that this would be a take it or leave it situation and it was a reduction in yearly compensation."* (Nixon Dec., Ex. K, ¶ 15).

Sustained

Overruled

5. *“I was called by Dr. Verrett during this time and discussed me reporting to OSES and that I was to report to his assistant, Gregory Hudson the following day and would no longer be reporting to Susan Hurta.”* (Nixon Dec., Ex. K, ¶ 16).

Sustained

Overruled

6. *“I reached out to Susan Hurta to see if she had any positions available that I may be able to transfer to, she said she had been ordered by Dr. Verrett to close all openings in OSES.”* (Nixon Dec., Ex. K, ¶ 17).

Sustained

Overruled

7. *I had a discussion with Ryan Wheeler, a colleague that took my position in OSES. He said he had received a formal offer letter, rejected the offered salary and negotiated a higher compensation.”* (Nixon Dec., Ex. K, ¶ 18).

Sustained

Overruled

8. *Kimbal Urrutia...reached out to Chief of Human Resources, Julia Dimmit regarding this matter. In their discussion he informed Ms. Dimmit of the discrimination complaint and that this seemed related. Ms. Dimmit was aware of the complaint and said that I was “sour grapes” and would have been [sic] taken accountability for my actions. She also relayed that as Dr. Verrett was black himself, so [sic] he could not commit racial or sexual discrimination.”* (Nixon Dec., Ex. K, ¶ 20).

Sustained

Overruled

IV. OBJECTIONS TO HURTA’S DECLARATION BASED ON HEARSAY

1. *“Verrett would say often say [sic] things like, ‘we need a man’ on a certain team, or ‘we have too many African American women in Special Ed.’ When he received grievances against him, Dr. Verrett said ‘you*

are not a good boss if you don't have any grievances.'"
(Hurta Dec., Ex. J, ¶ 6).

Sustained

Overruled

SIGNED AND ENTERED on March __, 2022

Hon. David Hittner
United States District Judge